Tle

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,054	06/25/2003	Munisamy Prabu	MS1-1465US	4124

22971   7590   04/10/2007

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

EXAMINER
LIN, SHEW FEN

ART UNIT	PAPER NUMBER
2166	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/10/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

roks@microsoft.com
ntovar@microsoft.com
a-rydore@microsoft.com

	Application No.	Applicant(s)
Office Action Summary	10/607,054	PRABU ET AL.
	Examiner	Art Unit	
	Shew-Fen Lin	2166	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 February 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/9/06</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

a. This action is taken to response to amendments and remarks filed on 2/14/2007.

b. Claims 1-43 are pending. Claims 13 and 27 are amended. Claims 1, 13, 22, 27,

36, and 39 are independent claims.

Withdrawal of Rejections

In view of the amendment to claims 13 and 27, the Examiner withdraws the pending 101

rejection that was given in the previous Office Action.

Declarations

Applicants submitted the declaration showing reference's disclosure was derived from

Applicant's own work. However, the declaration is not sufficient to overcome the ADS reference

for the following reasons:

The evidence submitted is insufficient to provide evidence establishing the fact that the

patentee, applicant of the published application, or author derived his or her knowledge of the

relevant subject matter from applicant. Moreover applicant must further show that he or she

made the invention upon which the relevant disclosure in the patent, application publication, or

other publication is based. *In re Mathews*, 408 F.2d 1393, 161 USPQ 276 (CCPA 1969); *In re*

Facius, 408 F.2d 1396, 161 USPQ 294 (CCPA 1969). See also MPEP § 715.

The affidavit or declaration must clearly explain which facts or data to show that the

relevant portions of the reference originated with or were obtained from applicants. See also

MPEP § 716. Vague and general statements in broad terms about "amounts essentially to mere

pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the

requirements of 37 CFR 1.131(b). *In re Borkowski*, 505 F.2d 713, 184 USPQ 29 (CCPA 1974).

Applicant must give a clear explanation of the exhibits pointing out exactly what facts are

established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry,

333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell

what they are or when they occurred."). See MPEP §715.07. 5.

The Declaration is not signed by all inventors.

In view of the foregoing, when all of the evidence is considered, the totality of the

rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this
or a foreign country, before the invention thereof by the applicant for a patent.

Claims 13-15, 18-19, 22-23, 25, 27-28, 30-31, 34-40, and 42 are rejected under 35

U.S.C. 102(a) as being anticipated by ADS ("Image-based Installation of the Operating System

and the Cluster Service Using Automated Deployment Services (ADS)", January 1, 2003,

Microsoft TechNet, http://technet2.microsoft.com/WindowsServer/en/library/ba672f36-2a9d-

43d2-9737-ab50d5b8b71b1033.mspx?mfr=true).

As to claim 22, ADS discloses a method, implemented in a device (server, page 1,

paragraph 2), the method comprising:

obtaining a user-defined task sequence that describes an action to be carried out in

managing another device (personalize the operating system image to perform against a device(s),

pages 8-9, section 5);

converting the user-defined task sequence to a set of one or more steps of a job to be

carried out in managing the other device (define and store instructions for task sequence, page 9,

section 6); and

carrying out the one or more steps of the job (execute job against the desired device,

pages 11-12, section 8).

As to claim 23, ADS discloses wherein the set of one or more steps comprises steps for

automatically deploying an operating system on the other device (page 1, paragraph 1).

As to claim 25, ADS discloses wherein the task sequence further describes actions to be

carried out in managing one or more of a plurality of additional devices concurrently (select

devices to deploy operating system, pages 2, section 1).

As to claim 27, ADS discloses,

Obtain a user-selected task sequence (select task to be run on a device, pages 9-10, section 6);

convert the user-selected task sequence into an ordered series of steps (associate selected task with user crated task sequence file, pages 8-10, sections 5,6); and

perform the series of steps in managing a device over a network in accordance with their order (execute job over the network against device based on the step and order specified in the XML file that containing sequence of task, pages 8-9, section 5, page 12, section 8).

As to claim 28, ADS discloses wherein the user-selected task sequence is a user-defined task sequence (define or select installation options, page 8, section 5).

As to claim 30, ADS discloses wherein the job representation includes a one to one corresponding of elements to steps (page 10, top figure).

As to claim 31, ADS discloses wherein the steps include steps for automatically deploying an operating system on the device (page 1, paragraph 1, page 7).

As to claim 34, ADS discloses wherein the task sequence includes one or more operations to be performed (partition disk, load image, etc. pages 8-9, section 5).

As to claim 35, ADS discloses wherein the series of step are to be performed in managing the device and one or more other device concurrently (multiple devices, page 2, section 1).

As to claim 36, ADS discloses a system comprising: means for obtaining a task sequence that describes a set of one or more steps to be carried out in managing a device (select tasks performed and associated task with a job, pages 8-9, section 5); means for generating a job representation of the set of one or more steps (associate XML file that containing sequence of task with a job, pages 8-10, sections 5 and 6); and means for carrying out the set of one or more steps in accordance with the job representation (page 12, section 8).

As to claim 37, ADS discloses wherein the set of one or more steps includes steps for automatically deploying an operating system on the device (page 1, paragraph 1).

As to claim 38, ADS discloses wherein the set of one or more steps described in the task sequence are to be carried out in managing the device and one or more additional device concurrently (select devices to deploy operating system, pages 2, section 1).

As to claim 39, ADS discloses a system comprising: a controller (ADS controller, page 1) to obtain a task sequence that describes one or more steps to be performed on a remote device (task sequence for controller for remote operating system deployment, pages 8-9, section 5, appendix D), and to generate a job representation of the one or more steps (create a job for the

sequence file, pages 9-10, section 6); and a network boot service (ADS consists of a network boot services, page 1) to detect when the remote device is coupled to a network that the system is also coupled to, and to communicate with the controller to determine which of the steps of the job representation are to be carried out in response to the detection (once the device boots up, it communicates with controller and boots into deployment agent, page 2, section 1).

As to claim 40, ADS discloses wherein the one or more steps includes steps for automatically deploying an operating system on the remote device (page 1, paragraph 1).

As to claim 42, ADS discloses wherein one of the steps comprises an operation to be performed on the remote device (install operating system via network, page 1, paragraph 2).

As to claim 13, is directed to a computer readable media carrying instructions for performing the methods of claim 22 and is rejected along the same rationale.

As to claim 14, ADS discloses wherein the user-defined task sequence is received in an Extensible Markup Language (XML) file (page 8, section 5, appendix D).

As to claim 15, is directed to a computer readable media carrying instructions for performing the methods of claim 23 and is rejected along the same rationale.

As to claim 18, ADS discloses wherein the task sequence includes one or more

operations to be performed (partition disk, load image, etc. pages 8-9, section 5).

As to claim 19, ADS discloses wherein the series of steps are to be performed in

managing the device and one or more other devices concurrently (multiple devices, page 2,

section 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-5, 7-12, 20-21, 26, 29, and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over ADS in view of LAB ("Lab: Automated Deployment Services", June 23,

2003, http://supportech.insa-lyon.fr/Download/HOL/TechEd03/Windows/Deployment.pdf).

As to claim 1, ADS discloses a method implemented in a device (server, page 1,

paragraph 2), the method comprising:

obtaining a task sequence that describes a set of one or more steps to be carried out in

managing another device (personalize the operating system image to perform against a device(s),

pages 8-9, section 5, appendix D);

generating a job tree representing the set of one or more steps (create a job for the

sequence file, page 9, section 6); and

carrying out the set of one or more steps in accordance with the job tree (execute job

against the desired device, pages 11-12, section 8, appendix D).

ADS discloses the elements of claim 1 as noted above but does not explicitly disclose a

job tree corresponding to the installation steps.

LAB discloses using a task sequence editor to create/modify sequence (page 11) and the

task sequence groups and steps can be displayed in the tree view on the left side of the editor

window (page 12). Since ADS and LAB both disclose the feathers of a same application;

"Automated Deployment Services", it would have been obvious to a person of ordinary skill in

the art at the time of invention to recognize that the sequence steps taught by ADS can be

represented as a job tree.

As to claim 2, ADS discloses wherein the set of one or more steps includes steps for automatically deploying an operating system on the other device (page 1, paragraph 1).

As to claim 4, ADS discloses wherein carrying out the set of one or more steps causes the device to have firmware on the other device configured (change boot location, appendix D) and an operating system to be deployed on the other device (deploy image for operating system, appendix D).

As to claim 5, ADS discloses wherein the task sequence is part of an Extensible Markup Language (XML) file (page 8, section 5, appendix D).

As to claim 7, ADS discloses wherein one of the steps comprises an operation to be performed (partition disk, load image, etc. pages 8-9, section 5).

As to claim 8, refer to "As to claim 1" presented earlier in this Office Action. Further, LAB discloses parent node ("Deploy an image and configure") and child nodes ("Partition the disk", "Download image",..) in the figure on page 12.

As to claim 9, ADS discloses wherein the set of one or more steps described in the task sequence are to be carried out in managing a plurality of other devices concurrently (multiple devices, page 2, section 1).

As to claim 10, ADS and LAB disclose wherein the task sequence comprises a user-defined task sequence (personalize the operating system image to perform against a device(s), pages 8-9, section 5, ADS, task sequence editor, page 2, LAB).

As to claim 11, ADS discloses wherein the task sequence comprises a user-selected task sequence (select from job template, page 9, section 6).

As to claim 12, LAB discloses further comprising recording the set of one or more steps in a log (view results of a job, pages 5-6).

As to claim 20, refer to "As to claim 8" and "As to claim 13" presented earlier in this Office Action. Further, LAB discloses parent node ("Deploy an image and configure") and child nodes ("Partition the disk", "Download image",..) in the figure on page 12.

As to claim 21, refer to "As to claim 12" and "As to claim 13" presented earlier in this Office Action.

As to claim 26, refer to "As to claim 8" and "As to claim 22" presented earlier in this Office Action. Further, LAB discloses parent node ("Deploy an image and configure") and child nodes ("Partition the disk", "Download image",..) in the figure on page 12.

As to claim 29, refer to "As to claim 8" and "As to claim 27" presented earlier in this

Office Action. Further, LAB discloses parent node ("Deploy an image and configure") and child

nodes ("Partition the disk", "Download image",..) in the figure on page 12.

As to claim 43, refer to "As to claim 8" and "As to claim 39" presented earlier in this

Office Action. Further, LAB discloses parent node ("Deploy an image and configure") and child

nodes ("Partition the disk", "Download image",..) in the figure on page 12.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over ADS and

LAB as applied to claim 1 above, and further in view of CPUT ("Complete Pre-Upgrade Tasks",

March 23, 2003, Microsoft TechNet,

http://technet2.microsoft.com/WindowsServer/en/library/0cd4a9b4-c30f-4d6f-8201-

90dbc16155a11033.mspx?pf=true).

As to Claim 3, ADS and LAB disclose the elements of claim 1 as noted above but does

not explicitly disclose wherein carrying out the set of one or more steps comprises: carrying out a

first step of the set of one or more steps; and carrying out the remaining steps of the set of one or

more steps only if the first step is completed successfully.

CPUT discloses a upgrade tasks (Figure 8.8) and pre-upgrade tasks must be completed

before beginning the in-place upgrade process (paragraph 1, CPUT) . Since task sequence has

predefined sequence (for example, partition disk, image,..), it would have been obvious to a

person of ordinary skill in the art at the time of invention to combine CPUT with ADS and LAB

such that download images (step 2, Appendix D, ADS) will not be performed unless the disk

partition (step 1, Appendix D, ADS) is completed.

As to Claim 6, ADS and LAB disclose the elements of claim 1 as noted above but does

not explicitly disclose the steps comprises another task sequence.

CPUT discloses task sequence steps can be nested within other task sequence (pre-

upgrade task is nested in upgrade sequence, Figure 8.8). Since nested procedure or script files is

well known to a person of ordinary skill in the art, it would have been obvious to combine CPUT

with ADS and LAB to have task sequence containing another task sequence in order to simplify

the deployment.

Claims 16 and 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over ADS as

applied to claim 13 above, and further in view of CPUT.

As to Claim 16, ADS disclose the elements of claim 13 as noted above but does not

explicitly disclose wherein carrying out the set of one or more steps comprises: carrying out a

first step of the set of one or more steps; and carrying out the remaining steps of the set of one or

more steps only if the first step is completed successfully.

CPUT discloses a upgrade tasks (Figure 8.8) and pre-upgrade tasks must be completed

before beginning the in-place upgrade process (paragraph 1, CPUT) . Since task sequence has

predefined sequence (for example, partition disk, image,...), it would have been obvious to a

person of ordinary skill in the art at the time of invention to combine CPUT with ADS such that

download images (step 2, Appendix D, ADS) will not be performed unless the disk partition

(step 1, Appendix D, ADS) is completed.

As to Claim 17, ADS discloses the elements of claim 13 as noted above but does not

explicitly disclose the steps comprises another task sequence.

CPUT discloses task sequence steps can be nested within other task sequence (pre-

upgrade task is nested in upgrade sequence, Figure 8.8). Since nested procedure or script files is

well known to an person of ordinary skill in the art it would have been obvious to combine

CPUT with ADS to have task sequence containing another task sequence in order to simplify the

deployment.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over ADS as applied

to claim 22 above, and further in view of CPUT.

As to Claim 24, ADS disclose the elements of claim 22 as noted above but does not

explicitly disclose wherein carrying out the set of one or more steps comprises: carrying out a

first step of the set of one or more steps; and carrying out the remaining steps of the set of one or

more steps only if the first step is completed successfully.

CPUT discloses a upgrade tasks (Figure 8.8) and pre-upgrade tasks must be completed

before beginning the in-place upgrade process (paragraph 1, CPUT). Since task sequence has

predefined sequence (for example, partition disk, image,..), it would have been obvious to a

person of ordinary skill in the art at the time of invention to combine CPUT with ADS such that

download images (step 2, Appendix D, ADS) will not be performed unless the disk partition

(step 1, Appendix D, ADS) is completed.

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over ADS as

applied to claim 27 above, and further in view of CPUT.

As to Claim 32, ADS disclose the elements of claim 27 as noted above but does not

explicitly disclose wherein carrying out the set of one or more steps comprises: carrying out a

first step of the set of one or more steps; and carrying out the remaining steps of the set of one or

more steps only if the first step is completed successfully.

CPUT discloses a upgrade tasks (Figure 8.8) and pre-upgrade tasks must be completed

before beginning the in-place upgrade process (paragraph 1, CPUT) . Since task sequence has

predefined sequence (for example, partition disk, image,..), it would have been obvious to a

person of ordinary skill in the art at the time of invention to combine CPUT with ADS such that

download images (step 2, Appendix D, ADS) will not be performed unless the disk partition

(step 1, Appendix D, ADS) is completed.

As to Claim 33, ADS discloses the elements of claim 27 as noted above but does not

explicitly disclose the steps comprises another task sequence.

CPUT discloses task sequence steps can be nested within other task sequence (pre-

upgrade task is nested in upgrade sequence, Figure 8.8). Since nested procedure or script files is

well known to an person of ordinary skill in the art it would have been obvious to combine

CPUT with ADS to have task sequence containing another task sequence in order to simplify the deployment.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over ADS as applied to claim 39 above, and further in view of CPUT.

As to Claim 41, ADS discloses the elements of claim 39 as noted above but does not explicitly disclose the steps comprises another task sequence.

CPUT discloses task sequence steps can be nested within other task sequence (pre-upgrade task is nested in upgrade sequence, Figure 8.8). Since nested procedure or script files is well known to an person of ordinary skill in the art it would have been obvious to combine CPUT with ADS to have task sequence containing another task sequence in order to simplify the deployment.

Response to Remarks

Applicant's arguments filed 2/14/2007 have been fully considered but they are not persuasive. Refer to "Declaration" section presented earlier in this Office Action for details.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

SFL
Shew-Fen Lin
Patent Examiner

Art Unit 2166
April 2, 2007

**HOSAIN ALAM
SUPERVISORY PATENT EXAMINER**